

IN RE: APPEAL OF HOPE RESCUE MISSION OF THE CITY OF READING, PA, RELATIVE TO A PROPERTY LOCATED AT 645 NORTH SIXTH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2019-02 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 10th day of July, 2019, a hearing having been held on June 12, 2019, upon the application of Hope Rescue Mission of the City of Reading, PA, notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

FINDINGS OF FACT

The Zoning Board finds the following facts:

1. The Applicant is Hope Rescue Mission of the City of Reading, PA, a Pennsylvania not-for-profit corporation, with a principal mailing address of 645 North Sixth Street, Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 645 North Sixth Street, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the M-C Manufacturing-Commercial Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
4. Applicant was represented by James Gavin, Esquire.
5. Applicant seeks a use variance to establish a women’s and children’s temporary shelter at the Subject Property. Sections 600-811 and 600-2202 of the Zoning Ordinance.

6. In the alternative, Applicant seeks a dimensional variance from Section 600-607(D)(1) of the Zoning Ordinance to enlarge a non-conforming use more than twenty percent (20%) of the land area of the Subject Property.

7. Applicant is appealing the Zoning Officer's determination that the proposed off-street parking spaces to do not meet the proposed spaces shown on the Site Plan presented by the Applicant in conjunction with a Decision rendered in 1991 (Appeal #1991-15). Section 600-1603(A)(22) of the Zoning Ordinance.

8. In the alternative, Applicant requests a variance from the 1991 Decision and Section 600-1603 of the Zoning Ordinance regarding the required number of off-street parking spaces for a Temporary Shelter use.

9. Applicant further seeks a variance from Section 600-1603(J) concerning the location of ADA accessible parking spaces.

10. Applicant further seeks a variance from Section 600-1602(H) of the Zoning Ordinance to waive the requirement for landscaping with vegetative ground cover and/or planting under Section 600-1402 of the Zoning Ordinance for the space between the parking area and the property line.

11. Applicant further seeks a variance from Section 600-1602(I) of the Zoning Ordinance to waive the requirement for buffer strips and plant screening as set forth in Sections 600-1401 and 600-1402 of the Zoning Ordinance for the space between the parking area and the property line.

12. Applicant further seeks a variance from Section 600-1602(N) of the Zoning Ordinance to waive the requirement for the off-street parking area to be planted with shade trees.

13. The Board finds the proposed relief will not be a detriment to the health, safety and welfare of the neighborhood.

14. There were no objections.

DISCUSSION

Applicant seeks relief to convert an existing thrift store into a women's and children's temporary shelter. Applicant needs multiple variances to accomplish this project as is set forth in the findings of

fact. The proposed use is in keeping with the spirit and intent of the Ordinance. Applicant's proposed use will not be a detriment to the health, safety and welfare of the neighborhood.

CONCLUSIONS OF LAW

1. Applicant is Hope Rescue Mission of the City of Reading, PA.
2. The Subject Property is located at 645 North Sixth Street, City of Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the M-C Manufacturing-Commercial Zoning District.
4. Applicant seeks relief from Sections 600-811, 600-2202, 600-607(D)(1), 600-1603(A)(22), 600-1603(J), 600-1602(H), 600-1602(I), 600-1401, 600-1402 and 600-1602(N) of the Zoning Ordinance.
5. The Zoning Board is permitted to grant applications for variances and/or special exceptions and to interpret the Zoning Ordinance.
6. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:
 - a. Applicant is granted relief to convert an existing thrift store into a women's and children's shelter subject to the following conditions:
 - i. No zoning permit or certification of occupancy shall be issued until final approval by the Planning Commission.
 - ii. The widening of the existing driveway must be approved by the Department of Public Works.
 - iii. An updated lighting plan shall be submitted and approved by the Zoning Administrator.
 - iv. Shade trees must be approved by the City Arborist.
 - v. No signing shall be erected without zoning approval.
 - vi. Applicant must comply with the Zoning Administrator's requirements for buffering and tree removal.

vii. Applicant shall apply for all required building, trades and fire permits and submit to all inspections deemed necessary.

viii. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

ix. Applicant may not use, expand, alter or otherwise use the Subject Property inconsistently with the contents of this Decision without making application requesting further relief from the Zoning Board.

x. Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

The decision of this Board is by a vote of 4 to 0.

**ZONING HEARING BOARD OF THE CITY
OF READING**



PHILIP RABENA, CHAIRMAN



THOMAS FOX



JEFFREY GATTONE



JARED BARCZ